

**UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT SCHRADER,)
Plaintiff,) Case No.:
v.)
DIVERSIFIED CONSULTANTS,)
INC.,) COMPLAINT AND DEMAND
Defendant.) FOR JURY TRIAL
) (Unlawful Debt Collection Practices)
)
)

COMPLAINT

ROBERT SCHRADER (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against DIVERSIFIED CONSULTANTS, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the Commonwealth of Pennsylvania, and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. §1391 (b)(2).

PARTIES

5. Plaintiff is a natural person residing in Sunbury, Pennsylvania 17801.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692 a(3).

7. Defendant is a national debt collection company with its corporate headquarters at 10550 Deerwood Park Boulevard, Suite 309, Jacksonville, Florida 32256.

8. Defendant collects, and attempts to collect, consumer debts incurred, or alleged to have been incurred, for personal, family or household purposes on behalf of creditors and debt buyers using the U.S. Mail, telephone and/or internet.

9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692 a(6), and sought to collect a debt from Plaintiff.

10. Debt collection is the principal purpose of Defendant's business.

11. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

12. Beginning in or around early January 2018 Defendant placed repeated harassing telephone calls to Plaintiff seeking to collect an alleged Verizon cell phone debt that had been incurred primarily for personal, family, or household purposes.

13. Attempting to stop these excessive calls from Defendant, Plaintiff spoke to Defendant on or about January 13, 2018, and disputed owing the debt and instructed Defendant to stop calling him.

14. Once Defendant was informed that its calls were unwanted and to stop calling, its continued calls could have served no lawful purpose besides harassment.

15. Despite Plaintiff's clear and unequivocal demand to stop calling him, Defendant persisted in calling Plaintiff.

16. Defendant's repetitive collection calls were bothersome, disruptive and frustrating for Plaintiff to endure.

COUNT I

DEFENDANT VIOLATED §§ 1692d and 1692d(5) OF THE FDCPA

17. Section 1692d of the FDCPA prohibits debt collectors from engaging in any conduct the natural consequence of which is to harass, oppress or abuse any person, in connection with the collection of a debt.

18. Section 1692d(5) of the FDCPA prohibits debt collectors from causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse or harass any person at the called number.

19. Defendant violated both sections of the FDCPA by calling Plaintiff repeatedly throughout January 2018 and continuing to call after it knew its calls were unwanted.

WHEREFORE, Plaintiff, ROBERT SCHRADER, respectfully prays for judgment as follows:

- a. All actual damages suffered by Plaintiff pursuant to 15 U.S.C. §1692(k)(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. §1692 (k)(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation expenses incurred by Plaintiff pursuant to 15 U.S.C. §1693 (k)(a)(3); and

1 d. Any other relief deemed appropriate by this Honorable Court.
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DEMAND FOR JURY TRIAL

5 PLEASE TAKE NOTICE that Plaintiff, ROBERT SCHRADER, demands a jury trial in
6 this case.
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9 Respectfully submitted,
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Dated: December 31, 2018

By: /s/ Amy L. Bennecoff Ginsburg
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